

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES A. BROWN,

Petitioner,

v.

UNITED STATES DISTRICT COURT,

Respondent.

Case No. C10-5287BHS/JRC

ORDER TO FILE AN
AMENDED PETITION

The petitioner in this action is seeking habeas corpus relief from a state conviction. Thus, the petition is properly considered pursuant to 28 U.S.C. § 2254. Petitioner has named the United States District Court as the respondent.

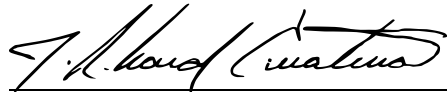
A proper respondent is “the person having custody of the person detained.” 28 U.S.C. § 2243. This person typically is the superintendent of the facility in which the petitioner is incarcerated. Failure to name the petitioner's custodian deprives federal courts of personal jurisdiction. Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994).

Petitioner is directed to file an amended complaint on the form provided by the court. The amended petition will act as a complete substitute for the original. The amended complaint

1 will be due on or before **June 11, 2010**. Failure to comply with this order will result in a Report
2 and Recommendation that this action be dismissed

3 The Clerk is directed to mail a copy of this Order to petitioner and note the **June 11,**
4 **2010**, deadline on the court's calendar.

5 Dated this 17th day of May, 2010.

7
8 

9 J. Richard Creatura
10 United States Magistrate Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26